

**Effective 5/12/2015**

**11-42-203 Protests.**

- (1) An owner of property that is proposed to be assessed and who does not want the property to be included in an assessment area may, within 60 days after the day of the hearing described in Subsection 11-42-204(1), file a written protest:
  - (a) against:
    - (i) the designation of the assessment area;
    - (ii) the inclusion of the owner's property in the proposed assessment area;
    - (iii) the proposed improvements to be acquired or constructed; or
    - (iv) if applicable, the inclusion of an unassessed benefitted government property, the benefit for which the other assessed properties will collectively pay; or
  - (b) protesting:
    - (i) whether the assessment meets the requirements of Section 11-42-409; or
    - (ii) any other aspect of the proposed designation of an assessment area.
- (2) Each protest under Subsection (1) shall:
  - (a) describe or otherwise identify the property owned by the person filing the protest; and
  - (b) include the signature of the owner of the property.
- (3) An owner may withdraw a protest at any time before the expiration of the 60-day period described in Subsection (1) by filing a written withdrawal with the governing body.
- (4) If the governing body intends to assess property within the proposed assessment area by type of improvement or classification, as described in Section 11-42-201, and the governing body has clearly noticed its intent, the governing body shall:
  - (a) in determining whether adequate protests have been filed, aggregate the protests by the type of improvement or by classification; and
  - (b) apply to and calculate for each type of improvement or classification the threshold requirements of adequate protests.
- (5) The failure of an owner of property within the proposed assessment area to file a timely written protest constitutes a waiver of any objection to:
  - (a) the designation of the assessment area;
  - (b) any improvement to be provided to property within the assessment area;
  - (c) the inclusion of the owner's property within the assessment area;
  - (d) the fact, but not amount, of benefit to the owner's property; and
  - (e) the inclusion of an unassessed benefitted government property in the assessment area.
- (6) The local entity shall post the total and percentage of the written protests it has received on the local entity's website, or, if no website is available, at the local entity's place of business at least five days before the public meeting described in Section 11-42-206.

Amended by Chapter 396, 2015 General Session